

February 11, 1977

SENATOR GEORGE: Mr. President and members of this body. I want to make a promise that this is the last Urban Affairs Committee bill I'm going to introduce this session. I have returned another half dozen to the league of municipalities and asked them to come back possibly next October. I do, though, believe that this is an important bill. As you know, we have had a change in our court system. Towns do not have municipal courts anymore and what this bill simply would do is would authorize the city attorneys to prosecute before county courts. The League of Municipalities feels that this should be included in the statutes. I believe in some cities it's done, but it should be legalized. I'm asking for the introduction of this bill.

PRESIDENT: Senator Luedtke.

SPEAKER LUEDTKE: Question of Senator George. Just what is the specific problem? Why can't the city attorneys have been prosecuting cases in county courts ever since 1032 passed. What seems to be the specific problem now?

SENATOR GEORGE: Senator Luedtke, the have added for Section 29-104, the term prosecuting attorney shall mean any county attorney. Such terms shall also mean any city attorney or assistant city attorney in a city or a village and metropolitan class simply was cut out. I believe the statutes only refer to metropolitan class; by cutting out metropolitan class, it would refer to any attorney in a city or village and that would be the change in this bill.

SPEAKER LUEDTKE: In other words, it's a technical matter of dropping language that they now feel doesn't protect them if they go into that court.

SENATOR GEORGE: That's correct.

SPEAKER LUEDTKE: They've been practicing in those courts.

SENATOR GEORGE: Yes, they have been doing it but it should be better redefined in the statutes.

SPEAKER LUEDTKE: Alright, it's just a technical change then, it doesn't change any activity of them.

SENATOR GEORGE: No, I wouldn't say it changed the activity but it should be clearly defined in the statutes what they have been doing already. So far they lost as only metropolitan class. With this change...this bill proposes to change that drop metropolitan class and simply be all inclusive and say city or village.

SPEAKER LUEDTKE: This does not...now the other question I'm going to ask you, Mr. President, may I ask him one more question? The other question I want to ask you is this does not intend for the city attorney to serve as a deputy county attorney and prosecute state cases in the county court, does it?

SENATOR GEORGE: No, most certainly not. They just want to prosecute their own cases and it should apply to any city of any class in any village it so chooses.

SPEAKER LUEDTKE: Which was contemplated by LB 1032 and was part of 1032?